

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BERND GANSBACHER

Junior Party,¹

v.

CLAUDE ROTH, LLUIS M. MIR, and PHILIPPE KOURILSKY

Senior Party.²

Patent Interference No. 104,024

Before SOFOCLEOUS, HANLON and TORCZON, Administrative Patent Judges.

¹ Application 08/018,940, filed February 17, 1993. Assigned to Sloan-Kettering Institute for Cancer Research, New York, New York.

² Application 08/485,160, filed June 7, 1995. Accorded the benefit of U.S. Application 08/087,809, filed July 15, 1993; PCT Application PCT/FR92/01061, filed November 13, 1992; and France Application 9114119, filed November 15, 1991. Assigned to INSTITUT PASTEUR and INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE, both of France.

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HANLON, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662

Receipt is acknowledged of ABANDONMENT OF CONTEST filed by Junior party Gansbacher (Paper No. 18) which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment against Junior party Gansbacher as to all claims which correspond to Count 1, the sole count in issue. Accordingly, it is

ORDERED that judgment as to Count 1, the sole count in issue, is entered against the Junior party, Bernd Gansbacher.

FURTHER ORDERED that judgment as to Count 1 is awarded in favor of the Senior party, Claude Roth, Lluís M. Mir and Philippe Kourilsky.

FURTHER ORDERED that the Junior party, Bernd Gansbacher, is not entitled to a patent containing claims 134-151 of Application 08/018,940 filed February 17, 1993, which correspond to Count 1.

FURTHER ORDERED that, on the record before the Patent and Trademark Office in this interference, the Senior

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party, Claude Roth, Lluís M. Mir and Philippe Kourilsky, is
entitled to

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a patent containing claims 36, 37, 39-42, and 46-52 of
Application 08/485,160, filed June 7, 1995, which correspond
to Count 1.

	MICHAEL SOFOCLEOUS)	
	Administrative Patent Judge)	
)	
)	
)	
	ADRIENE LEPIANE HANLON)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	RICHARD TORCZON)	
	Administrative Patent Judge)	

ALH:jrg

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